

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**JAZZ PHARMACEUTICALS, INC.,**  
*Plaintiff-Appellee*

v.

**AVADEL CNS PHARMACEUTICALS, LLC,**  
*Defendant-Appellant*

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2024-2274

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Appeal from the United States District Court for the District of Delaware in No. 1:21-cv-00691-GBW, Judge Gregory Brian Williams.

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**JAZZ PHARMACEUTICALS, INC., JAZZ  
PHARMACEUTICALS IRELAND LIMITED,**  
*Plaintiffs-Appellees*

v.

**AVADEL CNS PHARMACEUTICALS, LLC,**  
*Defendant-Appellant*

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2024-2277

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JAZZ PHARMACEUTICALS, INC. v. AVADEL CNS  
PHARMACEUTICALS, LLC

Appeal from the United States District Court for the  
District of Delaware in No. 1:21-cv-01138-GBW, Judge  
Gregory Brian Williams.

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**JAZZ PHARMACEUTICALS, INC., JAZZ  
PHARMACEUTICALS IRELAND LIMITED,**  
*Plaintiffs-Appellees*

v.

**AVADEL CNS PHARMACEUTICALS, LLC,**  
*Defendant-Appellant*

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2024-2278

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Appeal from the United States District Court for the  
District of Delaware in No. 1:21-cv-01594-GBW, Judge  
Gregory Brian Williams.

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**ON MOTION**

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Before DYK, REYNA, and CHEN, *Circuit Judges*.  
PER CURIAM.

**O R D E R**

Avadel CNS Pharmaceuticals, LLC moves to stay, pending appeal, the district court's August 27, 2024 injunction. Jazz Pharmaceuticals, Inc. and Jazz Pharmaceuticals Ireland Limited oppose.

Rule 8(a)(2) of the Federal Rules of Appellate Procedure authorizes this court to issue a stay pending appeal. Our determination is governed by four factors: (1) whether

JAZZ PHARMACEUTICALS, INC. v. AVADEL CNS  
PHARMACEUTICALS, LLC

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the movant has made a strong showing of a likelihood of success on the merits; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

The district court clarified that its order enjoins Avadel from: “(1) offering open-label extensions to trial participants; (2) applying for FDA approval of Lumryz for [idiopathic hypersomnia]; and (3) initiating new clinical trials or studies.” ECF No. 23 at 65 (emphasis omitted). Without prejudicing the ultimate disposition of the issues on appeal, we stay the injunction insofar as it enjoins “initiating new clinical trials or studies” but deny a stay of the injunction in all other respects for failure to establish irreparable injury.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions are granted to the limited extent described in this order.
- (2) These appeals shall be placed on the February 2025 oral argument calendar.

FOR THE COURT



October 2, 2024  
Date

Jarrett B. Perlow  
Clerk of Court